

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., and	:	
NICE SYSTEMS, LTD.	:	
	:	
Plaintiffs	:	
	:	
v.	:	Civil Action No. 06-311-JJF
	:	
WITNESS SYSTEMS, INC.	:	
	:	
Defendant	:	

TRIAL MANAGEMENT ORDER

Trial in this matter is scheduled to commence on **Monday, January 14 at 9:30 a.m.** The Court has reviewed the Proposed Pretrial Order, specifically the witness and exhibit list submitted by each side. Based on this review, the Court has determined that the following schedule and procedures will allow for an efficient and fair presentation of each party's case.

1. **Time.** The parties are allocated trial time commencing at 1:00 p.m. on Monday, January 14, 2008 and ending at 5 p.m. on Friday, January 18, 2008. On Thursday, January 17, trial will recess at 3:15 p.m. The Court will keep a running total of trial time used by counsel. Closing arguments are not included in the time allocations, and will commence on Tuesday, January 22 at 9:00 a.m.

2. **Opening Statement.** No argument of counsel is permitted in the Opening Statement. Counsel may object if opposing Counsel provides argument during Opening Statement.

3. **Witnesses**

In accordance with Fed. R. Civ. P. 611 (a) the examination of witnesses will be conducted as follows:

(a) Counsel shall not offer testimony or exhibits that are duplicative or cumulative.

(b) Each witness is subject to direct, cross and re-direct examination. No further examination is permitted.

(c) Rebuttal witnesses will be permitted only if:

(i) called by a party with the burden of proof and noticed in the Pre-trial Order.

(ii) such a witness is necessary to avoid an injustice and cause is established.

(d) One lawyer per party is permitted to examine a witness.

4. **Demonstrative Exhibits**. Unless otherwise agreed by the parties, demonstrative exhibits are marked for identification but not admitted into evidence.

5. **Jury Notes**. Unless otherwise indicated, the Court will provide the jury with paper and pens for notetaking.

6. **Jury Instructions**. Parties shall submit Final Proposed Jury Instructions on a disk, CD, or flash drive in WordPerfect Format.

7. **Courtroom Demeanor**

(a) Counsel may use the podium at his or her

discretion.

(b) The Court does not conduct sidebar conferences. If a matter needs to be addressed outside the hearing of the jury, counsel shall bring it to the Court's attention at the conclusion of the trial day.

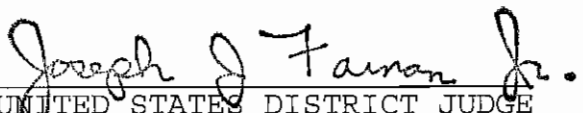
(c) Counsel shall not request "read backs" by the Court Reporter; however, if a read back is believed necessary, counsel shall address the request to the Court.

(d) Counsel shall stand when speaking.

(e) When the Court recesses, counsel and the parties shall remain in place until the Court and Jury have exited the Courtroom.

(e) Food and beverages (including bottled water), other than the water provided by the Court, are not permitted in the Courtroom at any time. Counsel is responsible for compliance by witnesses with this prohibition.

January 11, 2008


UNITED STATES DISTRICT JUDGE